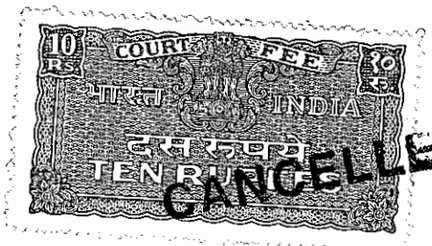

पृष्ठ क्र. 01

C.F. 107 (3)

समक्ष माननीय उच्च - न्यायालय "छत्तीसगढ़" बिलासपुर

रिट याचिका क्रमांक . . 4405 /2005

याचिकाकर्ता - §1§ विन्ध्य केसरी पुत्र स्व॰ हरिहर प्रसाद शास्त्री

§वादीगण § §2§ शाकुन्तला पुत्री स्व॰ हरिहर प्रसाद शास्त्री

§मृत § §3§ उषा कुमारी पुत्री स्व॰ हरिहर प्रसादशास्त्री

§3-अ§ राजाराम शुक्ला आ॰ नामालूम

§3-ब§ अजय शुक्ला आत्मज राजाराम शुक्ला

§3-स§ अर्पणा शुक्ला आत्मज राजाराम शुक्ला

§ मृत§ §4§ वनराज केसरी दुबे पुत्र स्व॰ हरिहर प्रसाद शास्त्री

§4-अ§ श्रीमति चन्द्र किरण विधवा वनराज केसरी दुबे

§4-ब§ विभोर पुत्र वनराज केसरी दुबे

§5§ नलिनी पुत्री हरिहर प्रसाद शास्त्री

§6§ राजेश पुत्री स्व॰ हरिहर प्रसाद शास्त्री

§7§ राकेश पुत्र स्व॰ हरिहर प्रसाद शास्त्री

§8§ अखिलेश पुत्र स्व॰ हरिहर प्रसाद शास्त्री

§9§ कुमारी श्री पुत्री स्व॰ हरिहर प्रसाद शास्त्री

§10§ श्रीमति शारदा बाई विधवा स्व॰ हरिहर प्रसाद

निवासी क्र॰- 1, 2 तथा 4 से 10 -खरसिया

तहसील - खरसिया, जिला- रायगढ़ §छ॰ग॰§

निवासी क्र॰-3 -अ से 3-स -बोईर दादर

रायगढ, तहसील व जिला- रायगढ़ §छ॰ग॰§

2735/05
P.R. No.....
Presented by Shri. P. Kesharwani
dated.....

उप आयुक्त, बिलासपुर संभाग
बिलासपुर तहसील छ.ग.

बनाम

उत्तरवादीगण - §1§ पाकी लाल पुत्र बुन्देल सिंह

§प्रतिवादीगण§ §2§ छोटे लाल पुत्र बुन्देल सिंह

§3§ राजेश्वर लाल पुत्र बुन्देल सिंह

-2-

(2)

(4)

(4) जगेश्वर लाल पुत्र बुन्देल सिंह

(मृत) (5) फूल बाई उर्फ हीरा बाई विधवा बुन्देल सिंह

(5-अ) कारी गौटीन पुत्री फूल बाई

(5ब) ननकी नोनी पुत्री फूल बाई

सभी निवासी ग्राम - खाजुरानी तहसील- सक्ती

जिला- जांजगीर -चांपा (छ.ग.)

रिट याचिका अन्तर्गत अनुच्छेद -- 226/ 227 भारतीय संविधान

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(५५)

मामला क्रमांक ..... WP 5405/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.9.2005 Shri M.A. Latif Rahman, counsel for the petitioner. Heard. The petitioners have preferred this writ petition being aggrieved by the order dated 15.12.1999 passed by learned Civil Judge, Class-II, Sakti whereby learned Civil Judge has rejected the petitioners' application filed under Order 6 Rule 17 of the CPC on the ground of delay and that if the amendment, asked for, is allowed, then the nature of suit will be changed. Brief facts leading to filing of this petition are that the petitioners herein filed a civil suit on 9.2.1979 before the learned Civil Judge, Class-II, Sakti for declaration and title in respect of the agricultural land mentioned in the plaint. The petitioners herein filed an application for amendment of the plaint for adding the plea regarding grant of permanent injunction against the respondents/defendants on the ground that defendant No.3 /respondent No.3 herein has stated in his evidence that they are in possession of the land in question, but learned trial Court dismissed the said application. Perusal of impugned order reveals that the suit was filed on 9.2.1979, written statement was filed by the respondents herein on 20.7.1979, issues were framed on 25.7.1980 and thereafter, both the parties took 19 years time to adduce their evidence. During this period from time to time both the parties amended the plaint and written statement and now the matter is fixed for final hearing. Therefore, on the ground of delay and when the matter is fixed for final hearing, the application for amendment was rightly rejected by	

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the trial Court. Even otherwise, the amendment is being sought only on the ground that defendant No.3 has stated in his evidence that they are in possession of the land in question, but it has nowhere been mentioned in the application that the defendants have threatened the petitioners herein for dispossessing them from the land in question. In view of the above, I do not find any illegality or irregularity in the order impugned, the petition deserves to be dismissed and it is accordingly dismissed. However, if the petitioners receive any threat from the respondents then they will be at liberty to file a civil suit for permanent injunction against the respondents. **Sd/-** **L.C.BHADOO** **Judge**	

Rathaur